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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,698	02/10/2004	Brian G. Balistee	6579-0038-1	9180

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/775,698

Applicant(s)

BALISTEE ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/05/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election with traverse of Group II (claims 11-18) on 05/24/06 is acknowledged. The traversal is on the ground(s) that the search for the claims directed to the method of making microedged shaving surface and the search for the claims directed to a microedged shaving surface overlap. Firstly, the remarks fail to respond to the reasons for distinctness of the invention in Groups II, as set forth in the restriction requirement and I. Secondly, the search for invention in Group I is not identical with the search for the invention in Group II. The search for one Group may overlap with other Group, but it does not coincide identically throughout with the search for the other Group. It should be noted that a set of method claims are not classified in a same subclass as a set of apparatus claims. In sum, it would be a serious burden on the Examiner to search both Groups of inventions in a single application.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Balistee et al. (EP 1175973 A2), hereinafter Balistee. Regarding claim 11, Balistee teaches a microedged shaving surface including a substrate 10, 110 defining a surface having a plurality of micro-protrusions 12, 52 projecting outwardly thereof. Balistee also teaches a plurality of microedged shaving elements 14, 54, each being carried by of micro protrusions 12, 54. Balistee also teaches that each shaving element defining a peripheral edge having sharpness 15, 55 sufficient to cut human hair. See Figs. 1-2, 9, and 21-26 and page 4, paragraphs 16-17, and 28 in Balistee.

Regarding claim 12, Balistee teaches everything noted above including that each of the protrusions 12, 52 is frusto-conically shaped defining an upper surface upon which one of the microedged shaving elements 14, 54 is supported. Balistee also teaches each of the microedged shaving elements is approximately circular with the peripheral edges past the upper surface but not engaging the peripheral edge of any other plurality of microedged shaving elements. See Figs. 1-2, 9, and 21-26 in Balistee. It should be noted that frusto-conical is in a shaped of a cone that its top is cut off parallel to its base. The protrusion 12, as shown in Fig. 1 has the shape of a cone that its top part is cut off parallel to its base. Therefore, the protrusion 12 is frusto-conically shaped.

Regarding claims 13-14, Balistee teaches everything noted above including that the plurality of protrusions 12, 52 are positioned in an array. Balistee also teaches that the array includes a plurality of rows wherein each protrusion is spaced away from the next adjacent protrusion in all directions. See Figs. 21-26 in Balistee.

Regarding claims 15-18, Balistee teaches everything noted above including that the substrate, the plurality of protrusions, and the microedged shaving elements are polymeric which are formed from polyimide. Balistee also teaches that the plurality of microedged shaving elements are coated with a metallic material such as tungsten. See page 6, paragraphs 16 and 20 in Balistee.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dischler (6,216,561). Regarding claim 11, Dischler teaches a microedged shaving surface 7 including a substrate 2 defining a surface 38 having a plurality of micro-protrusions 29, 30 projecting outwardly thereof. Dischler also teaches a plurality of microedged shaving elements 28, each being carried by of micro protrusions 29, 30. Dischler also that each shaving element defining a peripheral edge having sharpness 28 sufficient to cut human hair. See Figs. 1-8 and col. 7, lines 31-67 and col. 8, lines 1-43 in Dischler.

Regarding claim 13, Dischler teaches everything noted above including that the plurality of protrusions 29, 30 are positioned in an array.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balistee et al. (JP 2002078990 A), Wener (5,205,040), Guimont (7,007,393), and Glassco

(1,378,882) teach a microedged shaving surface.

Teixido (5,846,192) teaches a hand-held cutting tool which is formed from a polymeric material such as polyimide.

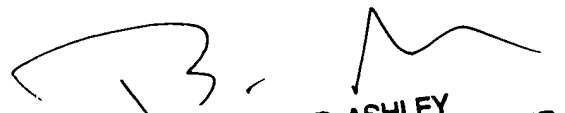
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

July 11, 2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER